

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

v.

VINH Q. NGUYEN,
a/k/a "Vinny"

Defendant.

NO. CR19-091 RAJ

**PROTECTIVE ORDER
RESTRAINING CERTAIN
FORFEITABLE PROPERTY**

THIS MATTER comes before the Court on the United States' Motion for Protective Order Restraining Certain Forfeitable Property to maintain custody of the following U.S. currency:

- \$2,905.00 in U. S. Currency.

The Court, having reviewed the record in this matter, FINDS:

On April 3, 2019, United States Magistrate Judge Brian A. Tsuchida issued a search warrant for Defendant Vinh Q. Nguyen's residence, finding there was probable cause authorizing seizure of currency as proceeds and facilitating property of the alleged crimes of possession of a controlled substance with intent to distribute, felon in possession of a firearm, and possession of a firearm in furtherance of a drug trafficking crime. *See* Search and Seizure Warrants, W. D. WA., 19-MJ-136, Dkt. Nos. 1 and 5.

During execution of the search warrant at the defendant's residence on April 4, 2019, investigators seized the \$2,905.00. W. D. WA., 19-MJ-136, Dkt. No. 5 at 2. In the

1 same residence, investigators also found suspected heroin, cocaine, marijuana, suspected
2 narcotics packaging, and digital scales. W. D. WA., 19-MJ-136, Dkt. No. 5 at 2.

3 On May 9, 2019, a grand jury returned an Indictment in which Defendant Nguyen
4 was indicted with two counts of Possession of Heroin with Intent Distribute and one
5 count of Possession of Firearm in Furtherance of a Drug Trafficking Crime. Dkt. No. 1.
6 The United States Attorney included a notice in the indictment alleging that the
7 government would move to forfeit the \$2,905.00 as proceeds and/or facilitating property
8 under 21 U.S.C. § 853(a), 18 U.S.C. § 924(d)(1), and 28, U.S.C. § 2461(c) if the
9 defendant was convicted of the charged offenses. *See Id.* at 3.

10 On or about March 14, 2019, an uncharged third party, I.C., filed a claim with the
11 Drug Enforcement Administration in which she declared under penalty of perjury that the
12 \$2,905.00 seized by the agents was her savings. *See Attachment A of United States'*
13 *Motion for Protective Order.*

14 The facts set forth in the search affidavit and the presence of suspected controlled
15 substances in the same residence as the \$2,905.00 establish probable cause to believe that
16 the \$2,905.00 is forfeitable.

17 THEREFORE, THE COURT ORDERS:

18 The United States' request for a protective order restraining the above-identified
19 currency pending the conclusion of this case is GRANTED; and

20 The above-identified currency shall remain in the custody of the United States, to
21 include its federal agencies and/or their authorized agents or representatives, pending the
22 conclusion of criminal forfeiture proceedings and/or further order of this Court.

23 IT IS SO ORDERED.

24 DATED this 27th day of September, 2019.

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26 

27 The Honorable Richard A. Jones
28 United States District Judge